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VIA AIRBORNE EXPRESS
Office of the Secretary
Magalie Roman Salas
Federal Communications Commission
Portals II
445 12th St., SW
Suite TW-A325
Washington, D.C. 20554

RE: NSD File No. ____— *Petition of the Public Utility Commission of Texas for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures; CC-96-98—Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*

Dear Secretary:

Enclosed please find an original and seven copies of the Petition of the Public Utility Commission of Texas for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures. Please return a file-stamped copy of this Petition to me in the enclosed self-addressed, stamped envelope. If there are any questions, please contact me at the phone number listed below. Thank you.

Sincerely,

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	§	
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	§	
Petition of the Public	§	NSD File No. _____
Utility Commission of Texas	§	
for Expedited Decision	§	
for Authority to Implement	§	
Number Conservation Measures	§	
Implementation of the Local Competition	§	
Provisions of the Telecommunications Act	§	CC-96-98
Of 1996	§	

**PETITION OF THE PUBLIC UTILITY COMMISSION OF TEXAS
FOR EXPEDITED DECISION FOR DELEGATION OF AUTHORITY TO
IMPLEMENT NUMBER CONSERVATION MEASURES**

The Public Utility Commission of Texas (PUCT) submits to the Federal Communications Commission (FCC) this Petition for Expedited Decision for Delegation of Authority to Implement Number Conservation Measures. Pursuant to paragraphs 30 and 31 of the FCC's September 28, 1999, *Memorandum Opinion and Order and Order on Reconsideration* in NSD File No. L-97-42,¹ the PUCT requests authority to implement number conservation measures to ensure that the public interest is protected against the ordeal of unwarranted area code relief. The PUCT is confident that the FCC understands and appreciates the predicament faced by the PUCT and other state commissions regarding numbering issues. The PUCT is particularly sensitive to the pressing need for number conservation measures because of the explosive growth in the demand for numbers experienced by many of Texas' large metropolitan areas in recent years. The

FCC is empowered to delegate the requested authority to the PUCT by Section 251(e)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996.

I. BACKGROUND

The PUCT has by necessity been forced to address area code relief issues and has implemented a number of measures designed to conserve NXX codes. The PUCT has also actively participated in various national fora on numbering issues, including the State Issues Task Force and Analysis Task Force of the Number Resource Optimization Working Group (NRO-WG) and the North American Numbering Plan Oversight Working Group (NANPA-WG). The PUCT respectfully submits that these efforts and experiences place it in a unique position to judge the need for implementation of the measures requested herein.

The PUCT believes that it would be helpful for the FCC to understand the particular numbering resource demands confronted by Texas over the last several years as well as the PUCT's response to them. Between 1947 and 1990, a span of over forty years, Texas added only three area codes. Since 1990, Texas has added eleven new area codes.² There are seven designated metropolitan areas in Texas, and all but one³ will have undergone relief one or more times within the past 10 years.⁴

Because of the explosive growth in many of its major cities, Texas citizens have endured many area code changes in the last few years. Within months of the

¹ *Petition for Declaratory Ruling and Request for Expedited Action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 615 and 717.*

² Texas now has a total of 18 area codes. Since 1990 the area codes of 210, 281, 254, 361, 469, 830, 832, 903, 940, 956, and 972 have been added.

³ El Paso.

implementation of the new area codes in Dallas and Houston in 1996, the Texas Number Administrator informed the PUCT that the new area codes were going to exhaust before the end of 1998. Numbering Plan Area (NPA) relief efforts required for Dallas and Houston forced the PUCT to actively explore and implement several number conservation measures in an effort to forestall additional area code relief. The first workshop on number conservation measures in Texas was held on August 26, 1997.

With the realization that industry number assignment practices were at least partially responsible for the rapid area code exhaust in Texas, the PUCT created the Texas Number Conservation Task Force (TNCTF) on September 12, 1997, to review number conservation measures for the State of Texas, including but not limited to rate center consolidation, number pooling, transparent overlays, and number administration procedures, and to provide recommendations for measures to be implemented for the Dallas, Houston and Austin/Corpus Christi areas.⁵ In December 1997, the TNCTF Report was filed with the PUCT and included the industry recommendations on these measures.⁶

In January 1998 the PUCT created the Number Conservation Implementation Team (NCIT).⁷ This group, consisting of representatives of the industry and the public, meets regularly to address number conservation and area code relief issues. The charge

⁴ Austin (1992 and 1999), Corpus Christi (1999), Dallas (1997 and 1999), Fort Worth (1997), Houston (1997 and 1999), San Antonio (1992 and 1997), and Waco (1997).

⁵ Order Empowering the Texas Number Conservation Task Force, September 12, 1997, issued in PUCT Project No. 16899, *Numbering Plan Area Code Relief Planning for the 214/972 Area Codes*, Project No. 16900, *Numbering Plan Area Code Relief Planning for the 713/281 Area Codes*, and Project No. 16901, *Numbering Plan Area Code Relief Planning for the 512 Area Code*.

⁶ Texas Number Conservation Task Force Report, (hereafter "TNCTF Report") filed December 31, 1997, in PUCT Project No. 18438, *Number Conservation Measures in Texas*.

⁷ Order No. 1, January 20, 1998, issued in PUCT Project No. 18438, *Number Conservation Measures in Texas*.

of the NCIT is to explore the need for implementation of number conservation measures, including number pooling and to monitor the effect of approved number conservation measures on the availability of NXX codes.

The TNCTF and NCIT were very successful in reaching consensus on a variety of number conservation measures. Following is a brief description of the number conservation measures approved and implemented by the PUCT with the cooperation of the industry:

1. Rate Center Consolidation

As of September 13, 1998, Southwestern Bell Telephone Company (SWBT) had reduced the number of rate centers in the Austin, Dallas, Fort Worth, Houston and San Antonio metropolitan exchanges from 108 to 31. The approved rate center consolidations do not affect local calling scopes, but create larger rate centers by the elimination of exchange boundaries. This permits a reduction in NXX code allocation for that area and can potentially extend the life of an area code because new providers need fewer NXX codes to serve the area.

2. NXX Code Give-Back

Although industry guidelines require that a provider activate an NXX code within six months or return it to the number administrator, providers are permitted to keep a code with no customers in it because it is activated in their switch. The PUCT recognized that, in view of the rate center consolidation implemented in Texas, providers that had no customers in their assigned NXX codes may no longer require all of them and requested that they be returned to the number administrator for use by other providers. Seventy-two

unused NXX codes have been returned to the Code Administrator from the Austin/Corpus Christi, Dallas and Houston area codes.

3. Expanded Local Calling Area (ELCA) for Wireless

In January, 1998, the PUCT approved an Expanded Local Calling Area (ELCA) for wireless carriers. This resulted in a rate center in the Dallas 214 area code that mirrors the local calling characteristics of the Grand Prairie rate center in the 972 NPA. Accordingly, wireless carriers were also prohibited from requesting NXX codes from the 972 area code until area code relief was provided. This plan allowed the more flexible wireless carriers to obtain NXX codes as needed, but also permitted at least four landline companies to get a code in the 972 area code each month. The intent of this action was to make the most codes available during a severe jeopardy situation (there were fewer than 50 NXX codes left in the Dallas 972 area code). The ELCA was a temporary measure and was terminated after relief was implemented in Dallas in December 1998.

4. Sequential Number Assignment

The PUCT ordered sequential number assignment on September 11, 1997 requiring all codeholders to assign numbers from one 1000 number block within an NXX until 80-90 percent of the numbers within that block had been: 1) assigned or 2) were unassignable or 3) were reserved due to internal testing number churn/aging or planning, BEFORE beginning assignment of numbers from another 1000 block within that NXX. The purpose of this order was to prevent contamination of 1000 number blocks for number pooling.

5. Number Pooling

Until recently, the NCIT was evaluating the effectiveness of thousands block number pooling and its possible use in Texas. As discussed below, however, based on recent discussions with and actions by the industry in Texas, the PUCT is convinced that the industry is unwilling to implement number pooling in any form in Texas unless and until national pooling standards are approved by the FCC.

These aggressive number conservation efforts were not taken soon enough to avoid the exhaust of area codes in the Austin, Corpus Christi, Dallas and Houston areas. By order issued on July 10, 1998, the PUCT approved the industry recommendation for additional area code relief for the Dallas and Houston areas. For Dallas, the PUCT approved the erasure of the geographic boundary between the 214 and 972 area codes creating an all-services overlay with mandatory 10-digit dialing effective on December 5, 1998. The PUCT also approved the addition of another all-services overlay to be implemented in the Dallas 214/972 overlay-area effective July 16, 1999. For Houston, the PUCT authorized implementation of an all-services overlay coincident with the erasure of the geographic boundary between the 713 and 281 area codes effective on January 16, 1999. For the Austin/Corpus Christi Area, the PUCT has authorized a geographic split to be implemented on October 16, 1999.

The PUCT recognizes that the FCC has attempted to address many of these issues in the recently release Notice of Proposed Rulemaking on Numbering Resource

Optimization (NPRM).⁸ However, requirements for certain measures identified in the NPRM may take years to establish at the national level. Millions of Texans in Austin/Corpus Christi, Dallas and Houston have already suffered through area code relief while millions of telephone numbers remained unused because of the unwillingness of the industry to voluntarily change its practice of number assignment. The PUCT stands ready to work with the FCC, the NANC and other states to develop appropriate national standards on these measures, but can wait no longer to act on behalf of Texas telecommunications customers.

II. NEED FOR EXPEDITED ACTION

The urgency of this petition is prompted by recent actions of the telecommunications industry in Texas in connection with NPA relief planning for the 817 NPA. On March 10, 1999, the PUCT initiated relief planning for the 817 NPA (Fort Worth area) through Lockheed Martin IMS/North American Numbering Administration (LM-NANPA) during a meeting with Jim Deak, Regional Director and Dan Gonos, Senior NPA Relief Planner. The PUCT staff expressed concern that the 817 NPA was projected to exhaust in 4th Quarter 2000, but no relief planning had yet been initiated. The PUCT staff conducted a "pre-planning workshop" with the industry and other outside participants on April 7, 1999, to gain feedback on possible relief alternatives. The first LM-NANPA relief planning meeting was held on May 5, 1999.

Since 1996 the PUCT has actively urged the telecommunications industry to explore the implementation of number pooling in Texas. On June 16, 1998, the NCIT

⁸ On June 2, 1999, the FCC filed a public notice in a Notice of Proposed Rulemaking (NPRM) seeking comment on a variety of measures intended to increase the efficiency with which telecommunications carriers use telephone numbering resources.

filed a report with the PUCT outlining a plan by which a number pooling trial could be implemented in Texas. In Part IV of this report, the industry stated “a specific recommendation on the controlled introduction of number pooling” in Texas would be completed by July 1, 1999. To assess where a number pooling trial could be most effective, the PUCT requested forecasts from all codeholders in the affected NPAs. Many carriers provided data in response to this request. The PUCT experienced technical difficulties with aggregation of the data and obtained assistance from the LM-Number Portability Administration Center (LM-NPAC). The first number pooling report for the 817 NPA was reviewed by the PUCT Staff and provided to those on the NCIT service list on June 2, 1999. After a meeting of the NCIT was held on June 17, it was decided that the NXX data needed to be updated. The latest version of the report indicates that number pooling will extend the life of the 817 NPA for 5.5 years.

But, on June 28, 1999, NANPA declared jeopardy in the 817 NPA, just weeks after release of a new Central Office Code Utilization Study (COCUS) indicating that the 817 NPA would still exhaust in 4th quarter 2000. The cause of the sudden jeopardy declaration was the request from eleven service providers for **fifty-four NXX codes in the 817 NPA between June 1 and June 23**. The PUCT has concluded that the primary cause for this unprecedented request for 817 NXX codes may be an attempt by the industry to discourage efforts by the PUCT to implement a number pooling trial in the 817 NPA.

To put into perspective how irregular these requests are, the PUCT notes that there were only 72 NXX codes assigned in the 817 NPA in all of 1998. Moreover, recent rate center consolidation by Southwestern Bell Telephone Company (SWBT) in the Fort

Worth metropolitan area should have significantly reduced the demand for NXX codes in the 817 NPA.⁹ Finally, the number of NXX codes assigned over the 12 months ended May 1999 averaged 8 requests per month. On June 28 a conference call was held including the industry, PUCT staff and LM-NANPA and LM-NPAC staff to continue discussions about the possibility of implementing number pooling in the 817 NPA. Despite the previous commitments of the NCIT and the conclusions of the LM report on the effects of number pooling on exhaust in the 817 NPA, the service providers with the greatest number of access lines in the 817 NPA¹⁰ consistently expressed unwillingness to participate in a any form of number pooling. The unexpected, unprecedented run on 817 NXX codes highlights the critical need for state commissions to have the requisite authority to act quickly and decisively to address the inefficient use of numbering resources by the industry. These recent code requests coupled with the impending jeopardy plan in the 817 NPA, will significantly reduce the number of codes available for competitors in this area and will unnecessarily hasten the exhaust of the 817 NPA. The PUCT understands that current timelines on FCC number pooling decisions suggest that a policy is ten to nineteen months away.¹¹ Unfortunately, the PUCT, like many other state commissions, faces critical numbering issue decisions now and cannot wait for approval and enactment of national numbering optimization standards by the FCC. Therefore, the PUCT requests an expedited decision for the grant of authority to implement the number conservation measures requested herein.

⁹ On September 13, 1998, Southwestern Bell Telephone Company (SWBT) completed the consolidation of 20 rate centers in the Fort Worth metropolitan area to a total of 9.

¹⁰ Southwestern Bell Telephone, GTE Southwest, Inc., and Sprint.

¹¹ Notice of Proposed Rulemaking (NPRM), FCC 99-122, para 158.

III. AUTHORITY REQUESTED

The PUCT respectfully requests authority to implement the following number conservation measures in Texas:

1. Thousands Block Number Pooling
2. Unassigned Number Porting
3. Reclamation of Unused NXX codes and thousand number blocks
4. Requiring all codeholders to provide to the PUCT utilization and forecast information
5. Sequential Numbering Enforcement Authority

The PUCT requests a Letter Order, similar to that requested by the California Public Utilities Commission (CPUC), granting the PUCT the authority to implement the above-listed number conservation measures.

IV. CONCLUSION

The above-described events regarding the 817 NPA have made it clear that swift action is critical to prolong the life of the 817 NPA. Constant NPA relief is a significantly inferior and unnecessary alternative. As the PUCT has witnessed in Texas and other state commissions have realized elsewhere, NPA relief is both expensive and unpopular to customers. Authority to implement the number conservation measures requested herein will serve the twofold purpose of avoiding the inconvenience and confusion associated with NPA relief while achieving the goal of NPA relief—adding to the quantity of usable telephone numbers.

The PUCT respectfully requests the FCC to quickly delegate to the PUCT the authority to implement the number conservation measures described above in order to protect the citizens of Texas from unwarranted NPA relief.

Respectfully submitted,

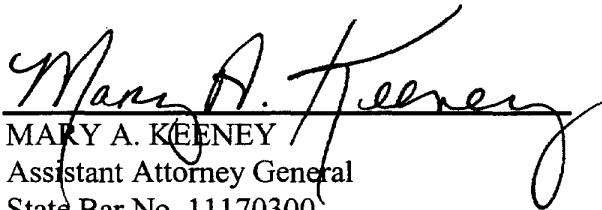
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